

**4076. Adulteration and misbranding of graham flour. U. S. v. The North Star Feed and Cereal Co. Plea of guilty. Fine, \$40. (F. & D. No. 5781. I. S. Nos. 9855-e, 4720-e.)**

On April 6, 1915, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The North Star Feed and Cereal Co., a corporation, Minneapolis, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 8, 1912, and February 7, 1913, from the State of Minnesota into the State of North Dakota, of quantities of graham flour which was adulterated and misbranded. The product in both shipments was labeled: (On tag attached to jute sack) "Wheat Graham Manufactured by The North Star Feed & Cereal Co., Minneapolis, Minn." (On bag containing the article) "North Star Feed and Cereal Co. Choice Graham Flour. Minneapolis, Minn. 10 Lbs. When Packed Choice Graham."

Examination of a sample of the product from one of the shipments, by the Bureau of Chemistry of this department, showed the following results:

Description.	Sifted.		Character.	Ash.	Nitrogen.	Alcohol-soluble nitrogen.
	Sieve No.	Per cent.				
Graham.....				<i>Percent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
Bran.....	On 20.....	4.2	Clean, broad.....	2.04	2.68	1.01
Shorts.....	On 40.....	4.4	Clean.....		2.58	.547
Coarse middlings.....	On 70.....	7.4	Good.....		2.98	.716
Fine middlings.....	On 109.....	15.4	Poor, even grade.....		2.47	1.01
Flour.....	Through 109 ..	68.2	Poor.....	1.64	2.75	.877
					2.67	1.09

Examination of the product showed it to be a mixture of bran, shorts, low-grade flour, and other mill products made in imitation of graham flour.

Analysis of a sample from the other shipment, by said bureau, showed the following results:

Description.	Sifted.		Character.	Ash.	Nitrogen.	Alcohol-soluble nitrogen.
	Sieve No.	Per cent.				
Graham.....				<i>Percent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
Bran.....	On 20.....	4.5	Broad, clean.....	2.08	2.72	1.25
Shorts.....	On 40.....	4.7	Clean.....		2.51	.540
Coarse middlings.....	On 70.....	8.5	Good.....		2.73	.702
Fine middlings.....	On 109.....	15.8	Poor, even texture.....		2.27	.997
Flour.....	Through 109 ..	66.1	Poor.....	1.63	2.82	1.20
					2.71	1.26

Examination of the product showed it to be a mixture of bran, shorts, low-grade flour and other mill products made in imitation of graham flour.

Adulteration of the product in both shipments was alleged in the information for the reason that a substance, to wit, a mixture consisting of an inferior grade of flour, bran, shorts, and other mill products, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength, and, further, for the reason that a substance, to wit, a mixture consisting of an inferior grade of flour, bran, shorts, and other mill products, had been substituted, wholly or in part, for choice graham flour which the article purported to be.

Misbranding of the product in both shipments was alleged for the reason that the statement, to wit, "Choice Graham Flour," borne on the label thereof, was false and misleading in that it purported and represented the article to be a choice graham

flour, whereas, in truth and in fact, it was not a choice graham flour, but was a mixture consisting of an inferior grade of flour, bran, shorts, and other mill products. Misbranding was alleged for the further reason that the article was labeled and branded "Choice Graham Flour," so as to deceive and mislead the purchaser into the belief that it was, as understood by the trade and the public generally, a superior grade of graham flour, whereas, in truth and in fact, said article was not a choice graham flour, but was a mixture consisting of an inferior grade of flour, bran, shorts, and other mill products.

On June 25, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$40.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 20, 1915.*